



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, मंगलवार, 9 दिसम्बर, 2003/18 अग्रहायण, 1925

हिमाचल प्रदेश सरकार

LAW DEPARTMENT
(Legislation)

NOTIFICATION

Shimla-2, the 2nd December, 2003

No. LLR-E(9)-2/2000-Leg-V.—The following Ordinance promulgated by the President and published in the Gazette of India, Extra-ordinary, Part-II, Section-I, is hereby republished in the Himachal Pradesh Rajpatra for information of the general public:—

Sl. No.	Title	The Date of Gazette of India in which these Ordinances were published
1.	The Indian Telegraph (Amendment) Ordinance, 2003 (Ordinance No. 7 of 2003).	05-11-2003
2.	The Indian Medicine Central Council (Amendment) Ordinance, 2003 (Ordinance No. 8 of 2003).	07-11-2003

By order,

Sd/-
L.R.-cum-Secretary.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 5th November, 2003/Kartika 14, 1925 (Saka)

THE INDIAN TELEGRAPH (AMENDMENT) ORDINANCE, 2003

NO. 7 OF 2003

Promulgated by the President in the Fifty-fourth Year of the Republic of India.

An Ordinance further to amend the Indian Telegraph Act, 1885.

WHEREAS the Indian Telegraph (Amendment) Bill, 2003 was introduced in the House of the People, but has not been passed ;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give effect to the provisions of the said Bill;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Indian Telegraph (Amendment) Ordinance, 2003.

(2) It shall be deemed to have come into force on the 1st day of April, 2002.

2. *Amendment of section 3.*—In section 3 of the Indian Telegraph Act, 1885 (13 of 1985) (hereinafter referred to as the principal Act), clause (1) shall be renumbered as clause (1AA) and before clause (1AA) as so renumbered, the following clauses shall be inserted, namely:—

“(1) “Fund” means the Universal Service Obligation Fund established under sub-section (1) of section 9A ;

(1A) “Universal Service Obligation” means the obligation to provide access to basic telegraph services to people in the rural and remote areas at affordable and reasonable prices ;”.

3. *Amendment of section 4.*—In section 4 of the principal Act, in sub-section (1), the following *Explanation* shall be inserted at the end, namely:—

“*Explanation.*—The payments made for the grant of a license under this sub-section shall include such sum attributable to the Universal Service Obligation as may be determined by the Central Government after considering the recommendation made in this behalf by the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997).”.

4. *Amendment of section 7.*—In section 7 of the principal Act, in sub-section (2), after clause (ee), the following clauses shall be inserted, namely:—

“(eea) the manner in which the Fund may be administered ;

(eeb) the criteria based on which sums may be released.”.

5. *Insertion of new Part IIA.*—After Part II of the principal Act, the following Part shall be inserted, namely:—

“PART IIA

UNIVERSAL SERVICE OBLIGATION FUND

9A. *Establishment of Universal Service Obligation Fund.*—(1) On and from the commencement of the Indian Telegraph (Amendment) Ordinance, 2003, there shall be deemed to have been established, for the purposes of this Act, a Fund to be called the Universal Service Obligation Fund.

(2) The Fund shall be under the control of the Central Government and there shall be credited thereto—

(a) any sums of money paid under section 9B ;

(b) any grants and loans made by the Central Government under section 9C.

(3) The balance to the credit of the Fund shall not lapse at the end of the financial year.

9B. *Crediting of Sum to Consolidated Fund of India.*—The sums of money received towards the Universal Service Obligation under section 4 shall first be credited to the Consolidated Fund of India, and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, credit such proceeds to the Fund from time to time for being utilised exclusively for meeting the Universal Service Obligation.

9C. *Grants and loans by the Central Government.*—The Central Government may, after due appropriation made by Parliament by law in this behalf, credit by way of grants and loans such sums of money as that Government may consider necessary in the Fund.

9D. *Administration and utilisation of Fund.*—(1) The Central Government shall have the power to administer the Fund in such manner as may be prescribed by rules made under this Act.

(2) The Fund shall be utilised exclusively for meeting the Universal Service Obligation.

(3) The Central Government shall be responsible for the co-ordination and ensuring timely utilisation and release of sums in accordance with the criteria as may be prescribed by rules made under this Act.”.

A. P. J. ABDUL KALAM,
President.

T. K. VISWANATHAN,
Secretary to the Government of India,

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 7th November, 2003 / Kartika 16, 1925 (Saka)

THE INDIAN MEDICINE CENTRAL COUNCIL (AMENDMENT) ORDINANCE, 2003

(No. 8 Of 2003)

Promulgated by the President in the Fifty-fourth Year of the Republic of India.

An Ordinance further to amend the Indian Medicine Central Council Act, 1970.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance, may be called the Indian Medicine Central Council (Amendment) Ordinance, 2003.

(2) It shall come into force at once.

2. *Amendment of section 2.* In the Indian Medicine Central Council Act, 1970 (48 of 1970) (hereinafter referred to as the principal Act), in section 2, after clause (e), the following clause shall be inserted, namely:—

“(ea) medical college” means a college of Indian medicine, whether known as such or by any other name, in which a person may undergo a course of study or training including any post-graduate course of study or training which will qualify him for the award of a recognized medical qualification;” .

3. *Substitution of new Chapter for Chapter II A.* For Chapter II A of the principal Act, the following Chapter shall be substituted, namely:—

‘CHAPTER IIA

PERMISSION FOR NEW MEDICAL COLLEGE, COURSE, ETC.

13A. *Permission for establishment of new medical college, new course of study. etc.*—(1) Notwithstanding anything contained in this Act or any other law for the time being in force,—

(a) no person shall establish a medical college; or

(b) no medical college shall—

(i) open a new or higher course of study or training, including a post-graduate course of study or training, which would enable a student of such course or training to qualify himself for the award of any recognised medical qualification ; or

(ii) increase its admission capacity in any course of study or training including a post-graduate course of study or training,

except with the previous permission of the Central Government obtained in accordance with the provisions of this section.

Explanation 1.—For the purpose of this section, “person” includes any University or a trust, but does not include the Central Government.

Explanation 2.—For the purposes of this section, “admission capacity”, in relation to any course of study or training, including post-graduate course of study or training, in a medical college, means the maximum number of students as may be fixed by the Central Government from time to time for being admitted to such course or training.

(2) Every person or medical college shall, for the purpose of obtaining permission under sub-section (1), submit to the Central Government a scheme in accordance with the provisions of sub-section (3) and the Central Government shall refer the scheme to the Central Council for its recommendations.

(3) The scheme referred to in sub-section (2), shall be in such form and contain such particulars and be preferred in such manner and accompanied with such fee, as may be prescribed.

(4) On receipt of a scheme from the Central Government under sub-section (2), the Central Council may obtain such other particulars as may be considered necessary by it from the person or the medical college concerned, and thereafter, it may,—

- (a) if the scheme is defective and does not contain necessary particulars, give a reasonable opportunity to the person or medical college concerned for making a written representation and it shall be open to such person or medical college to rectify the defects, if any, specified by the Central Council ;
- (b) consider the scheme, having regard to the factors referred to in sub-section (8) and submit it to the Central Government together with its recommendations thereon within a period of not exceeding six months from the date of receipt of the reference from the Central Government.

(5) The Central Government may, after considering the scheme and recommendation of the Central Council under sub-section (4) and after obtaining where necessary, such other particulars as may be considered necessary by it from the person or medical college concerned and having regard to the factors referred to in sub-section (8), either approve the scheme with such conditions, if any, as it may consider necessary or disapprove the scheme and any such approval shall constitute as a permission under sub-section (1) :

Provided that no scheme shall be disapproved by the Central Government except after giving the person or medical college concerned a reasonable opportunity of being heard :

Provided further that nothing in this sub-section shall prevent any person or medical college whose scheme has not been approved by the Central Government to submit a fresh scheme and the provisions of this Sections shall apply to such scheme, as if such scheme had been submitted for the first time under sub-section (2).

(6) Where, within a period of one year from the date of submission of the scheme to the Central Government under sub-section (2), no order is communicated by the Central Government to the person or medical college submitting the scheme, such scheme shall be deemed to have been approved by the Central Government in the form in which it was submitted, and, accordingly, the permission of the Central Government required under sub-section (1) shall also be deemed to have been granted.

(7) In computing the time-limit specified in sub-section (6), the time taken by the person or medical college concerned submitting the scheme, in furnishing any particulars called for by the Central Council, or by the Central Government, shall be excluded.

(8) The Central Council while making its recommendations under clause (b) of sub-section (4), and the Central Government while passing an order, either approving or disapproving the scheme under sub-section (5), shall have due regard to the following factors, namely:—

- (a) whether the proposed medical college or the existing medical college seeking to open new or higher course of study or training would be in a position to offer the minimum standards of medical education as prescribed by the Central Council under section 22;
- (b) whether the person seeking to establish medical college or the existing medical college seeking to open a new or higher course of study or training or to increase its admission capacity has adequate financial resources;
- (c) whether necessary facilities in respect of staff, equipment, accommodation, training, hospital or other facilities to ensure proper functioning of the medical college or conducting the new course of study or training or accommodating the increased admission capacity have been provided or would be provided within the time-limit specified in the scheme;
- (d) whether adequate hospital facilities, having regard to the number of students likely to attend such medical college or course of study or training or the increased admission capacity have been provided or would be provided within the time-limit specified in the scheme;
- (e) whether any arrangement has been made or programme drawn to impart proper training to students, likely to attend such medical college or the course of study or training by persons having recognised medical qualifications;
- (f) the requirement of manpower in the field of practice of Indian medicine in the medical college;
- (g) any other factors as may be prescribed.

(9) Where the Central Government passes an order either approving or disapproving a scheme under this section, a copy of the order shall be communicated to the person or medical college concerned.

13B. Non recognition of medical qualifications in certain cases.—(1) Where any medical college is established without the previous permission of the Central Government in accordance with the provisions of section 13A, medical qualification granted to any student of such medical college shall not be deemed to be a recognised medical qualification for the purposes of this Act.

(2) Where any medical college opens a new or higher course of study or training including a post-graduate course of study or training without the previous permission of the Central Government in accordance with the provisions of section 13A, medical qualification granted to any student of such medical college on the basis of such study or training shall not be deemed to be a recognised medical qualification for the purposes of this Act.

(3) Where any medical college increases its admission capacity in any course of study or training without the previous permission of the Central Government in accordance with the provisions of section 13A, medical qualification granted to any student of such medical college on the basis of the increase in its admission capacity shall not be deemed to be a recognised medical qualification for the purposes of this Act.

13C. Time for seeking permission for certain existing medical colleges.—(1) If any person has established a medical college or any medical college has opened a new or higher course of study or training or increased the admission capacity on or before the commencement of the Indian Medicine Central Council (Amendment) Ordinance, 2003, such person or medical college, as the case may be, shall seek, within a period of three years from the said commencement, permission of the Central Government in accordance with provisions of section 13A.

(2) If any person or medical college, as the case may be, fails to seek permission under sub-section (1), the provisions of section 13 B shall apply, so far as may be, as if, permission of the Central Government under section 13A has been refused.

A. P. J. ABDUL KALAM,
President.

T. K. VISWANATHAN,
Secretary to the Govt. of India.

